

## Remarks

### 1. Preamble

The Office Action of March 26, 2008 (hereinafter, "the Office Action", or "OA"), rejects active claims of the present invention as being unpatentable over US patent 6,803,930 ("Simonson"). Applicant respectfully disagrees and provides counter-arguments that eliminate the grounds for the rejection.

### 2. Applicant's arguments

#### 2.1. Simonson's term "previously viewed portion" DOES NOT imply displaying the portion for more than a predetermined amount of time

The Office Action states

*"Note that the term "previously viewed portion" implies the actual display of document portion for user viewing, i.e., the user actually spends time to view the displayed information, i.e., the document portion has been displayed after a predetermined amount of time..." (OA, p. 2, highlight added).*

The Office Action statement can be understood in two ways:

(1) the document portion must be displayed for at least a predetermined amount of time, that is, the system *does not allow the user to scroll to a second portion* unless the first portion has been displayed for at least a predetermined amount of time, and

(2) the document portion must be displayed for at least a predetermined amount of time for the visual clue to be displayed, that is, the system *does not display the visual clue in the second portion* unless the first portion has been displayed for at least a predetermined amount of time.

As shown below, both interpretations are incorrect.

##### 2.1.1. Simonson's "previously viewed portion" does not imply that the user cannot scroll to a second portion unless the first portion has been displayed for more than a predetermined amount of time

There is nothing in Simonson's teaching that suggests that the user can only scroll to a second portion *if a first portion has been presented for more than a predetermined amount of time*.

On the contrary, Simonson explicitly says that a scrolling action is carried out **whenever** the application receives a scrolling request from the user (e.g., 7:40-45, Fig. 9). As a result, "visual differentiation between **previously viewed** and newly presented content" (7:40, highlight added) is provided.

Therefore, a notion of scrolling to a next portion *only after a predetermined amount of time* is in contradiction with Simonson's teaching.

**2.1.2. Simonson's "previously viewed portion" does not imply that the visual clue is displayed in a second portion only if the first portion has been displayed for more than a predetermined amount of time**

There is nothing in Simonson's teaching that suggests that the visual clue is only displayed in a second portion *if a first portion has been presented for more than a predetermined amount of time*.

On the contrary, Simonson teaches displaying the visual clue after scrolling from a **previously viewed portion** to the second portion **irrespective** of the time, during which the previously viewed portion has been displayed to the user. For instance, Fig. 9, which teaches displaying the visual clue in the second portion without imposing any constraints on the display time of the previous portion, is described by Simonson in terms of "visual differentiation between **previously viewed** and newly presented content." (7: 36-37, highlight added). This example unambiguously shows that Simonson "previously viewed portion" does not imply displaying the portion *for at least a predetermined amount of time*.

**Additional argument:**

Simonson mentions the following potential problem with his invention:

*For example, persistent background tinting of the previously displayed content may be distracting when the user is **scrolling quickly** through the content. (11: 23-26, highlight added)*

Note that in the quotation above the visual clue ("background tinting") is always (persistently) displayed, when a portion is *briefly* presented to the user. In other words, the visual clue is displayed when the user *does not* actually take

time to view the portion (and does not need the clue, hence the need for an "improvement", the teaching of delay).

Therefore, Simonson's term "previously viewed portion" DOES NOT imply displaying the visual clue in the second portion only if the first portion has been presented for more than a predetermined amount of time.

## **2.2. The combining proposed in the Office Action as "obvious" is unfeasible**

The office Action States

*..."it would have been obvious to one of skilled in the art, at the time when the invention was made, to implement the displaying of the visual clue if it is determined that the previously displayed portion A had been displayed for more than a predetermined amount of time to Simonson.*

*Motivation of the combining is for avoiding the time delay." (OA, p. 2)*

Applicant respectfully disagrees that the proposed combining would have been obvious. In fact, the proposed combining is unfeasible, given its motivation. A combining of the teachings described in the quote above can only be implemented as *"displaying the visual clue only if the previously displayed portion has been displayed for more than a predetermined amount of time AND after a time delay"*. However, such combining does not help avoid the time delay, which is the motivation for combining.

## **2.3. Conclusion**

The Office Action argues for rejecting the independent claims of the present invention as follows:

*"However, since the "previously viewed portion" has been actually displayed for a more than a predetermined amount of time for viewing by the user, it would have been obvious to one of skilled in the art, at the time when the invention was made, to implement the displaying of the visual clue if it is determined that the previously displayed portion A had been displayed for more than a*

***predetermined amount of time to Simonson. Motivation of the combining is for avoiding the time delay.***" (OA, p. 2, highlight added)

As shown in section 2.1 above, Simonson's term "previously viewed portion" DOES NOT imply that the portion has been displayed for more than a predetermined amount of time.

As shown in section 2.3 above, the combining of the type proposed in the Office Action is unfeasible.

Each of the applicant's arguments above (either 2.1 or 2.2) is sufficient to refute the rejection in the Office Action. Applicant respectfully requests that *each* of the arguments (2.1.1, 2.1.2, including additional argument, and 2.2) be *fully* considered by examiner.

### **3. Overcoming rejections of independent claims**

The Office Action of March 26, 2008, rejected claims 3 and 20 as being unpatentable over US patent 6, 308, 930 (Simonson). Applicant provides further elaborated arguments to define patentability over this reference.

Independent claim 3 reads as follows:

***3. A method of displaying information in a window on a computer system including a display, said window displaying only part of its related information, the method comprising:***

***providing a window for displaying information; further comprising the step of providing means for scrolling the window; and***

***displaying in the window a first portion of its related information; and***

***scrolling the window to a second portion of its related information, further comprising the step of***

***causing visual clues, visually distinguishing new information from old information that overlaps from said first portion and has been displayed in the previous view for more than a first predetermined amount of time, to be displayed in the window after scrolling from said first portion to said second portion; and***

*disabling the distinguishing visual clues after a second predetermined amount of time.*

The claim teaches displaying the visual clues in the second portion only if the first portion has been displayed for more than a predetermined amount of time. This subject matter is useful, since it eliminates displaying the clues when they can be confusing to the user. And this subject matter is novel. It is not anticipated by prior art.

As shown in section 2 above, Simonson does not anticipate the subject matter of claim 3, and neither do any other prior art known to applicant. Therefore, the subject matter disclosed in claim 3 is patentable over Simonson.

The above arguments regarding claim 3 are also applicable to claim 20.

#### **4. Overcoming rejections of dependent claims**

The Office Action of March 26, 2007, rejected dependent claims 5, 6, 14-18, 24, 26-28 as being unpatentable over US patent 6, 308, 930 (Simonson). Applicant requests reconsideration of this rejection. Applicant submits that the dependent claims incorporate all the subject matter of claims 3 and 20, and add additional subject matter, which makes them a fortiori and independently patentable over Simonson.

#### **5. Comments on "Response to arguments"**

Applicant respectfully draws examiner's attention to the fact that the arguments in the previous amendment H have not been fully considered in the Office Action. In particular, the Office Action does not respond to applicant's arguments that the combining proposed in the previous Office Action was in fact unfeasible (Amendment H filed on December 12, 2007, section AP-4b, p, 16, lines 3-26).

Applicant respectfully requests that all his arguments be fully considered.

#### **6. Claim amendment, claims 5 and 6**

To ensure terminological consistency between independent claim 3 and dependent claims 5 and 6, applicant has amended dependent claims 5 and 6 by

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substituting "processed information" with "overlapping information" when referring to information, displayed in a second portion, that overlaps from the first portion and has been displayed in the first portion for more than a predetermined amount of time.

**7. Concluding remarks**

For all of the above reasons, applicant submits that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore he submits that this application is now in condition for allowance, which action he respectfully solicits.

**8. Conditional request for constructive assistance**

If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,



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